

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DAMIEN DOUGLAS,

Plaintiff,

Civil No. 04-1798-AA

v.

ORDER

DEPUTY THOMAS, et al.,

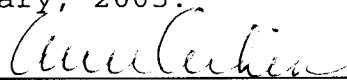
Defendants.

AIKEN, District Judge.

Pursuant to the order entered in Civ. No. 04-1774-AA (attached hereto) this case is dismissed without prejudice to plaintiff's right to bring the claims herein alleged in the amended complaint to be filed in Civ. No. 04-1774-AA.

IT IS SO ORDERED

DATED this 10 day of February, 2005.

  
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Ann Aiken  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DAMIEN DOUGLAS,

Plaintiff,

Civil No. 04-1774-AA

v.

ORDER

SHERIFF DAN NOELLE,

Defendant.

AIKEN, District Judge.

Plaintiff, an inmate in the custody of the Oregon Department of Corrections, filed six separate civil rights complaints as follows. On February 3, 2005, each of the cases was reassigned to the undersigned.

1.) Civ. No. 04-1774-HA - Plaintiff alleges that Sheriff Dan Noelle violated his First Amendment right to "petition the government for a redress of grievances" by charging inmates a \$5 fee to process grievances. Petitioner paid the \$150.00

filing fee for this case.

2.) Civ. No. 04-1794-HA - Plaintiff alleges that Multnomah County Sheriff Deputies Hall and Livingston violated his First Amendment right to practice his religion. Plaintiff did not pay the filing fee in this case or file an application to proceed in forma pauperis. By Order (#3) entered 1/20/05, petitioner was ordered to either pay the filing fee or to file an application to proceed in forma pauperis within 30 days.

3.) Civ. No. 04-1796-HA - Plaintiff alleges that Multnomah County Sheriff Deputy McCain violated his First Amendment right to petition the government for redress of grievances. Plaintiff did not pay the filing fee or file an application to proceed in forma pauperis in this case.

4.) Civ. No. 04-1797-HA - Plaintiff alleges Multnomah County Sheriff Deputy McLavain violated his freedom to practice his religion. Plaintiff did not pay the filing fee or file an application to proceed in forma pauperis in this case.

5.) Civ. No. 04-1798-HA - plaintiff alleges that Multnomah County Sheriff Deputies Davis and Shout violated his First Amendment rights by "retaliation for writing a grievance." Plaintiff did not pay the filing fee or file an application to proceed in forma pauperis in this case.

6.) Civ. No. 04-1800-HA - Plaintiff alleges that Multnomah County Sheriff Deputy James Harrington violated his First Amendment religious rights and retaliated against him for filing a grievance. Plaintiff did not pay the filing fee or file an application to proceed in forma pauperis in this case.

All of plaintiff's claims are based on First Amendment violation alleged against Multnomah County defendants. It is not in the interest of judicial economy to proceed separately with plaintiff claims. Moreover, if plaintiff proceeds in separate proceedings he will be required to pay a \$150 filing fee in each case.

Therefore, it is hereby ordered that plaintiff file an amended complaint incorporating all of his claims against the defendants. This means that plaintiff shall one **complaint** alleging each of his **claims** separately. The separate claims shall be identified as "Claim One," through "Claim Six." The complaint to be filed on a form provided by the Clerk of the Court which can be supplemented with additional pages if necessary. The complaint shall bear the caption Civ N. 04-1774-AA. Plaintiff may proceed with his claims in this single, consolidated case only. The other separately filed cases will be dismissed. Plaintiff is allowed 30 days to file an amended complaint consistent with the terms of this order


and advised that failure to file an amended complaint as ordered will result in the dismissal of his claims with prejudice. After an amended complaint is filed with the court, the Clerk of Court will issue process for service of the summons and complaint on defendants.

By letter to the court received February 2, 2005, plaintiff advised that he had sent the court a "29 page motion for a new trial based on newly discovered evidence" and requested confirmation of the court's receipt of that document. Plaintiff is advised that the "motion" was not docketed in any of plaintiff's pending cases.

Plaintiff is advised that a motion for a new trial should be filed in the court of his conviction. Plaintiff is further advised that the proper manner in which to challenge his conviction or sentence in federal court is by way of a petition for habeas corpus relief under 28 U.S.C. § 2254 and that the filing fee for habeas corpus proceedings is \$5.00. The Clerk of the Court is requested to provide plaintiff with the appropriate form for filing a petition under 28 U.S.C. § 2254.

IT IS SO ORDERED

DATED this 10 day of February, 2005.

  
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Ann Aiken  
United States District Judge